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PATENT
Attorney Docket No. 056090-5001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Seung-Choul YANG, et al.)
Application No.: 10/043,178) Group Art Unit: 3731
Filed: January 14, 2002) Examiner: Unassigned
For: SURGICAL INSTRUMENTS AND)
METHOD FOR CREATING)
ANATOMIC WORKING SPACE IN)
MINILAPAROTOMY PROCEDURE)

Commissioner for Patents
Washington, D.C. 20231

Sir:

PRELIMINARY AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is a Preliminary Amendment for the above-identified application.
2. Additional papers enclosed:

Drawings: Formal Informal (Correction)
 Information Disclosure Statement
 Form PTO-1449, _____ references included
 Citations
 Declaration of Biological Deposit
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

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3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

[X] Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

[] Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months <u>Requested</u>	Fee for <u>Extension</u>	[Fee for Small Entity]
[] one month	\$ 110.00	\$ 55.00
[] two months	\$ 390.00	\$195.00
[] three months	\$ 890.00	\$445.00
[] four months	\$1,390.00	\$695.00

Extension of time fee due with this request: \$ _____

If an additional extension of time is required, please consider this a Petition therefor.

[] An extension for ___ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

[X] **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	34	Minus	33	1	x \$18 each=	+\$ 18.00
Independent Claims (37 C.F.R. §1.16(b))	5	Minus	5	0	x \$80 each=	+\$ 0.00
[] First presentation of Multiple dependent claim(s)				\$270.00	+\$	
SUB-TOTAL =						\$ 18.00
Reduction by ½ for filing by a small entity						-\$ 0.00
TOTAL FEE =						\$ 18.00

6. Fee Payment

[] No fee is to be paid at this time.

[X] Please charge our Deposit Account No. 50-0310 in the amount of \$18.00 for the additional claims fee.

[] Check in the amount of \$ for _____.
The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.

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[X] The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By:



Donald L. Monin, Jr.
Reg. No. 47,256

Dated: August 15, 2002

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PRELIMINARY AMENDMENT

Prior to the examination of the above-identified application on the merits, please amend the application as follows:

In The Claims

Please amend claim 1 as follows:

1. (Amended) A method for creating an anatomic working space in a body for a minilaparotomy procedure, comprising:

inserting at least one first piercing retractor into the body through a minilaparotomy opening, wherein the first piercing retractor has first and second end portions;

puncturing a wall of the body with the first end portion of the first piercing retractor; and
lifting the wall of the body using the first piercing retractor and moving around the first piercing retractor until enough anatomic working space is created in the body.